

present scope of the claims in teaching the latter embodiment for use in a secondary battery. Office Action dates May 15, 2001, pg. 5.

Applicant understands this passage to indicate that claims 1-11 and claims 24-27 would be allowable if re-written to include the limitation that Applicant's claimed invention is usable "in batteries including a primary battery and a secondary battery." Applicant has amended the pending claims to include the language as suggested in the Office Action. Applicants understand that adding the language "batteries including a primary battery and a secondary battery" does not add new matter as the language further clarifies the previous language of the claims.

Consistent with the suggestion in the Office Action of May 14, 2001, claims 1 and 24 have been rewritten to include the limitation that the battery be usable in "batteries including a primary battery and a secondary battery," since such a change puts the claims in allowable form. Since dependent claims 2-11 and 25-27 are dependent upon the rewritten independent claims 1 and 24, the dependent claims should also be allowable since they are now dependent from allowable claims.

The allowance of claims 1-11 and 24-27 is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,

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October 2, 2002
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MARKED-UP VERSION OF AMENDED CLAIMS

A marked-up version of amended claims is presented herewith in accordance with 37 CFR 1.121(c)(1)(ii).

1. A battery having a controller suitable for use in batteries including a primary battery and a secondary battery, said battery comprising:

(b) a battery cell having an internal impedance disposed within said container, said cell having a positive electrode, a negative electrode, and a cell voltage measured across positive and said negative electrodes of said cell;

(c) a controller electrically coupled between said electrodes of said cell and said terminals of said container to form, from the cell voltage, an output voltage across the positive and negative terminals of the container; and

(d) a circuit responsive to a predetermined condition of said battery, the circuit being operable to uncouple the output voltage of the controller from the terminals of the container upon detection of said predetermined condition substantially determined by said internal impedance.

24. A method for extending the useful life of a battery comprising the steps of: providing a battery having a controller suitable for use in batteries including a primary battery and a secondary battery, said battery including:

(1) a container having a positive terminal and a negative terminal; and

(ii) a battery cell having an internal impedance disposed within said container; said cell having a positive electrode, a negative electrode, and a cell voltage measured across said positive and said negative electrodes of said cell;

the method being characterized by:

electrically coupling a controller between said electrodes of said cell and said terminals of said container to form, from the cell voltage, an output voltage across the positive and negative terminals of the container;

in response to detection of a predetermined condition of the battery substantially determined by said internal impedance, uncoupling the output voltage of the controller from the terminals of the container.